IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2947 OF 2007

Shri Bira Shrirang Salgar. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

M.K.Kocharekar with V.A.Saugdare
for the applicant.

Ms.S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 29th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. By this application under section 438 of Code of Criminal Procedure seeking anticipatory bail. The applicant is apprehending his arrest in connection with CR.No.120/2007 registered with Mangalvedha Police Station for the offences punishable under sections 498A, 302, 201 read with section 34 of Indian Penal Code (I.P.C.).

3. The learned counsel appearing for the applicant submits that even if the case of the

prosecution is accepted as it is and role of the present applicant, as described in para-5 of the counter affidavit filed by the prosecution, is taken on its face value, even then, the question would be can the applicant be charged under section 302. In his submission, prima facie the said offence can be brought under section 498-A of I.P.C. subject to evidence in trial. He, thus, submits that considering the role played by the present applicant, he would be entitled to bail.

4. he learned A.P.P, appearing for the State, tried to oppose this application by relying on the counter affidavit and para-5 thereof.

5. In the above circumstances of the case, considering the peculiar alleged role of the applicant as described hereinabove, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) In the event of arrest in connection with CR.No.120/2007 registered with Mangalvedha Police Station, applicant shall be enlarged on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to the

concerned Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial and shall cooperate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE